Senator Charles Mathias
Senate Office Bldg.
Washington, D.C.

Rt. 12, Frederick, Md. 21701
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Dear Mac,

We read the Post's account of your excellent legislative proposals and received the first of the spook records on me both yesterday. Lil marked one provision of the Post story as she read the paper to be sure I did not miss it. It is the proposal to require warrants prior to examining bank, credit or telephone records. I have just learned what makes me believe you might want to broaden this. In fact, if you'd like, I'd like to discuss these privacy proposals with your staffer to whom you have assigned this. I would also make these records available for that purpose.

For some time I have felt that when such records came to the Church committee they influenced you. This was because there was a time when I'd write and say the letter required no response but you always would. Then there were no responses. The Senate hearings I was promised did not come. I wrote and asked and I never heard. If I am not mistaken I also asked for a copy of the J.Edgar Hoover memo to the LBJ White House on those who had written books opposing the Warren Report. I know I wrote to other Members on this, particularly Schweiker and Hart. I'm pretty sure Church and Mondale. I asked for a copy with all other names masked. I never got one from any of you.

If one can never know what can be fabricated I do know what can be said, what can be exaggerated, what can be twisted and how the spooks work. I have just received a prime example. It is no problem assuring you that I have never been a Communist or belonged to any Communist front, things like that. Maybe I've known a dozen Communists in my 63 years, a few Trotskyites and many more of the extreme right. I do not regard it as reprehensible to have been an unpaid British agent not only before Pearl Harbor but during the days of the Nazi-Soviet pact. I take some satisfaction from the fact that virtually all of my social beliefs that were minority views then are now majority views if not national policy.

I became a British agent at the suggestion of the Justice Department because of the limitations imposed on it by the Neutrality Act. I really did do definitive work on Nazi cartels and their interference with our defense preparations. The work was then widely praised, including by members of the cabinet, both Houses, the White House and even the departed founding father of the spookery, the sainted M J. Edgar.

All these things started happening to me, the things of which you may have read and I find in hardly recognizable form in the records I have obtained, when I did two things: lobbied for a Senate investigation of the deplorable migratory farm-worker situation in California (remember Grapes of Wrath?) and started to write a book on the Dies committee, the early Un-Americans. Suddenly for me there was no First Amendment, as I'm learning.

The entirely incomplete records supplied by the State Department reflect that there was a cover on my mail and the spooks, unnamed, found that inadequate. They did not even trust the post office on this. They had one at my apartment, too. They gathered my garbage and went over that, too. I'm talking about 1940. They culled all the neighborhood gossip. They spent a fortune on me, even going back to college. I was not a candidate for government employment. I was a writer, an investigative reporter. Only I was investigating the Un-Americans. As they never have been, I add.

Dies did entrap me. I was naive in those days, more than I still am. But I also took proper precautions. I was working with the late Gardner "Pat" Jackson, legislative representative of Labor's Non-Partisan League and perhaps the strongest anti-Communist I have ever known. Dies was particularly hot to get him and Lewis through him. The committee was virulently anti-labor union and anti-Semitic. It also had enormous power and a disposition to misuse it. Because I had violated no law it had one passed, still on the books, having to do with interfering with the functioning of a Congressional committee. Well, I had not done that, either, so they leaned on the then U.S.Attorney for the District of Columbia, Dave Pine. FDR nominated him to be a federal judge. The Texas gang held the appointment up

to extort an indictment out of him. Pine, who knew me from when I'd helped him when I was a Senate investigator (he called me "Affidavit Face"), would not handle the grand jury himself. Nor would his first assistant, Ed Curran. You may recognize that they both became chief judges of the district. Ed Fihelly, later chief war crimes prosecutor in Tokyo, did that. I was just a kid and it was a rough time because the FBI was also working with Dies and rigging a case. They once actually locked me in an FBI office until I would sign a fake confession. I sat and refused until finally they let me call a lawyer. It all ended with an indictment of the Dies agent. He was on the Dies payroll, when I had to investigate to defend myself. As a result of my proofs Dies had to cop a plea for his man.

Now that Fihelly is dead I can tell you a little more. He wound up with such respect for me after trying his hardest against me while knowing I had done nothing wrong that he risked his entire career to help me in the future. You can imagine the trust he had in me when I tell you he gave me a grand-jury transcript where Dies and others were the witnesses, not I. He told me the time might come when I would need it. I have never used it. Nobody has ever seen it. But even Dies testified that there was nothing against me. Fihelly could have been disbarred over that.

As a solider in World War II I wound up in OSS. I was decorated for that work. I was in the part that was transferred to the State Department. In time I was one of 10 fired under the McCarran rider - no hearing, no reason. Eight of us were Jews, one was married to a Jew and one was a case of mistaken identity. All the PhDs were scared as hell. I organized our defense and got the firm then Arnold, Fortas and Porter to defend us. I had worked with Thurman Arnold when he was head of anti-trust and in charge of cartel investigations. (May I boast and say I did work they and the FBI did not do, some of which I could not get published, some I think perhaps relevant today in the energy crisis?) We were the first to "win" in a security case. The Department rehired us and we resigned. Of course I'm abbreviating much but I'm not hiding anything adverse.

Beginning in 1969 I started trying to get the spook records on me. I have knowledge of some, I received copies of some by other means, not improper, and the government stonewalled. My efforts with the CIA began in early 1971. There still is no compliance. Lies and even proof of how they arrange for their general counsel to lie and a few of my military records. Naturally no record of the decoration for my work. They found where I had provided material for one of FDR's famous fire-side chats, on Nazis in Latin America. Naturally, with my having given him the plans for a putsch in Chile while they were carrying on in Chile, those records they could not find! Nothing from the FBI or any other agency. Finally I have received about a hundred pages from State. They are incredible. The real Orwell.

I was never fired - I just resigned. The FBI has no records on me at all. It says. Only somewhere they had second-hand accounts of the mail covers and the garbology. We were both fired earlier for security reasons, it says, when it was true of neither. Lil is subversive because she belonged to a couple of cooperatives. One of the results of the mail cover, as I recall the only one mentioned, was a mailing from the Eastern Co-Operative League. It is somehow sinister that I had a library - I mean this literally - and got a lot of mail from the government. (Press releases, what else for a correspondent?) It is also subversive to write a complaint to the governor, as I did when we lived in Virginia. Lil figured out who that one came from and why. The State had taken a piece of our land and created a hazard for other people's kids. I demanded a fence be put atop the retaining wall thwy built and they agreed, so this is disloyalty. One of the real hazards I presented to society was typing all hours of the night, heard through the walls. When I got excellent effeciency ratings there was something wrong with those who gave them to me. That I was also friendly with my superiors is proof of some unspecified disloyalty. These were two authentic scholars I'd never have known if the government had not brought us together. One of them is somehow connected with something called the "Gregory" case so by non-association I, too, am. Of course there is some good in it, like someone in the

Executive Office of the President giving as high an endorsement as possible, almost I'd trust my life to him or his word. I can guess who that was and I know some of what was omitted. The omissions are also of significance in these star chambers. I was used for many purposes by government officials who knew me. One was recruiting talented people for the war effort. One went on to become manager of the National Symphony, another to become the highest-ranking civil-servant on the President's staff, still another to win TV Emmys in drama. and all of those who worked with me seem to have commented favorably on how helpful I was to everyone. (No surprise in this - I was the practical one in the shop, doing for all the PhDs what they could not do for themselves.)

All the anonymous gossip is emphasized, though, and prejudicially. None of the FBI records are there and none of the investigative reports. The existence of a few records I cannot have and from which there is no administrative appeal from the spook's diktat is stated.

The FBI's records of me go back at least to 1938, when Justice borrowed me from the Senate and I lived and worked on a sensational case of that day with an assistant attorney general and his staff and a large number of FBI agents. The prosecution was in a dry county in Kentucky and I was the official rum-runner. They gave me a list and the armored official 1933 Buick to fetch the stuff. Because I was a kid some of the agents drew me aside to caution me on their need to report on each other and that this would include me. One even used me to ride shotgun with him when no other agent was available. First he taught me. He was the agent in charge. We remained friends. I was entrusted with delicate missions that just had to have been reported. They included the breaking of a leg in an attempted rape of a staff member, spiriting an alcoholic out of the country whose police were under the indictment and even escorting a nymphomaniac back to Washington. I was trustworthy - and trusted.

One of the other reasons they have to be hidden is b cause they include espionage on a Member of Congress. When Dies tried to frame me he is one of the very few who were aghast. We became and remained friends. When Bill got tired of the government hassle she became his secretary. (It was a different day then - he had two in his Washington office.) He was an unusual man, a superb parliamentarian and highly respected by other members despite his then unpopular views. He was Vito Marcantonio, called a red but he was not. FDR consulted him often from the time I drove him to the White House for meetings. Joe Martin, then minority leader, also did. When he was finally ousted by a new kind of gerrymandering Wadsworth asked Bill to go to work for him.

Sidelight on this and Hoover, who hated Marcantonio: when I was in the army and away Marcantonio took Bill to Harvey's for dinner one night. Hoover was also there. He sent them a bottle of Cherry Heering.

Most of Marcantonio's beliefs also have come to be part of our life, like fair employment practises. I drove him to and from the White House when FDR made that deal with him. That the Daily Worker denounced him editorially did not keep him from being a "red", of course. He was a dedicated Member who began as Fiorello LaGuardia's first campaign manager and was finally ousted when he refused to return to the Republican Party, where he began - and which had changed much. There were three major parties in his district and he regularly won all three primaries. He was a remarkable human being, a first-rate legislator and I remember him with warmth and respect. But that we were close and Bill worked for him is not in these records vast an investigation as they reflect.

Much else I can recall also is not in them. But what it boils down to is that they could not survive a hearing of any kind because there really is nothing bad in them. If perfection is not a human state and there are some things I might, after all the later

experiences of life have done differently or perhaps not done, I look back without shame, with a considerable amount of pride, particularly on my government record and war-time services, and with a feeling that in walking all these miles I have been keeping the promises of Frost's lines.

In more than 35 years I have never once been able to confront any of these contrived cases, fabricated records, distorted meanings.

I will continue my efforts to obtain these records. I am confident I will obtain more. I will deposit every one in the archive I will leave, have already begun to deposit. Not to do this would be dishonest. People have to be able to evaluate me to evaluate my work. My work is an unusual archive. I'm sorry there has not been time in years to bring you up to date on it.

You lawyers become tolerant of illegalities by lawyers, especially those cloaked in federal power. I am not. You all adjust to federal crime. I do not and I will not. Denying me these records is a violation of law. The perjury I confront regularly and prove as regularly is a felony. (But who prosecuted the prosecutor?) These are in my view more subversive than almost any act of which any one citizen can be guilty. These criminal acts are not criminal because they are by those who judge the rest of us - and have themselves to live with and their jobs to keep, their families to raise and care for.

Off the top of the head I have drafted a lengthy commentary to be included in my State file until I have all of it and a chance for proper response. I have also demanded the hidden records and the withheld ones. I do not burden you with it but if you are interested will send you a copy.

For your immediate legislative purposes, which we wholeheartedly support, I do suggest it is from my experience not nearly enough to require warrants for bank, credit and phone records. All intrusions into privacy and Constitutional rights ought be made illegal. That will mean nothing without punitive provisions, even if the chances of enforcement are almost non-existent. Taking garbage should be regarded as an illegal search and seizure. Monitoring mail should be regarded as what it is, a denial of the most basic Constitutional rights. These even then will mean little if there is no check on what the spooks can and do do in private, eliminate what they do not want, avoid what they do not want to find and fabricate when all else fails.

Imagine that in the most sensational case and news of its day the State Department claims to have no record of my firing, no news story on it, no record of any discussions or conferences on it and not even a reference to our counsel who had so many meetings with them. It is all down the memory hole. Except for use , meaning misuse, behind my back. This is the authoritarianism you have always opposed and in the study of which you have been in a leadership role. We have nasty names for it when it is the practise in other lands. We ought not accept it in our own land.

It is a slef-perpetuating thing. I have no idea how it can be legislated away. But if something is not done the constant erosion of all fundamental rights will disappear, perhaps for ever and we will have a monolith of only officially accepted view, beliefs and thoughts. The spook mind regards this as an urgent national need. They really believe it. Thus they come to believe that all the wrong they do is right. This differs in degree only from the foreign authoritarianism of left and right.

I would still like those hearings not sent, the Hoover letter that is in the record so I can present it to a court in my efforts to get those regards by law and for my archive, if you can get it, what also is in the record, Katzenbach's memo as soon as JFK was killed saying it all has to be pinned on the lone nut assassin.

We hope you have had a good holiday and that the coming year brings the acceptance of these excellent legislative proposals.

Our best,

Harold Weisberg